



JOHN ENGLER, Governor

## DEPARTMENT OF NATURAL RESOURCES

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September 17, 1993

Mr. Lawrence Leveque, PS-19J  
Office of Public Affairs, Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Dear Mr. Leveque:

The Michigan Department of Natural Resources (MDNR) has reviewed the U.S. Environmental Protection Agency's (EPA) Proposed Plan for Remedial Action at the Hi-Mill Manufacturing Company Superfund site (Hi-Mill) and does not agree with or support the EPA's Proposed Plan. Groundwater contamination off plant property has been verified, but the extent of the contamination has not been defined. Until the extent of contamination has been determined, the MDNR does not agree that it is possible to make a reasonable, informed decision on the most appropriate remedy. The selection of a No Action remedy at Hi-Mill constitutes a Type C remedy pursuant to the Michigan Environmental Response Act, 1982 PA 307, as amended, and its administrative rules. The proposed No Action remedy does not meet Type C Applicable or Relevant and Appropriate Requirements (ARARs).

Rule 299.5705(6) states that all remedial actions which address the remediation of an aquifer shall provide for removal of the hazardous substance or substances from the aquifer, either through active remediation or as a result of naturally occurring biological or chemical processes which can be documented to occur at the site. A No Action remedy must comply with this rule. Samples of groundwater collected at the water table of the shallow aquifer in the median of adjacent M-59 contained concentrations of chlorinated solvents as high as 55,000 parts per billion (ppb) trichloroethylene (TCE), 3,500 ppb 1,2 dichloroethylene (DCE) and 400 ppb vinyl chloride. Vinyl chloride and TCE are both carcinogenic chemicals. Health-based drinking water values for these two chemicals pursuant to Act 307 are 0.016 ppb and 2.2 ppb, respectively. The health-based drinking water value for DCE is 77 ppb. Federal Maximum Contaminant Levels (MCLs) for the chemicals are 2 ppb for vinyl chloride, 5 ppb for TCE and 70 ppb for DCE. These data show levels well in excess of federal MCLs and state health-based levels and indicate serious environmental contamination has occurred as a result of Hi-Mill operations. These data, however, present only an incomplete picture of the off-site conditions. There is no data beyond the water table samples collected in the median of M-59 which determine the vertical extent of contamination, and there

is only enough data to preliminarily estimate the horizontal extent of off-site contamination. It is known that the geology in this area is complex and includes sand layers which may readily transport contamination to deeper zones, as well as laterally. It is further known that the clays present at the site tend to pinch off toward the west which further jeopardizes deeper zones. In order to comply with Rule 299.5705(6), it must be shown that the extent of contamination is defined and, in the case of No Action, that naturally occurring biological or chemical processes which can be documented are occurring at the site. Currently, an amendment to this rule has been proposed which would provide for a waiver to this rule under certain situations. However, the extent of contamination and the environmental fate of the contaminants would still need to be defined, and protection of human health and the environment assured, in order to waive the rule. Again, the proposed remedy does not comply with the existing, and would not comply with the proposed, Rule 299.5705(6).

Rule 299.5717 sets forth the minimum conditions for a Type C remedy under Act 307. Rule 717(2) states that Type C criteria shall be developed on the basis of a site-specific risk assessment. The MDNR again points to the fact that the risk assessment conducted for Hi-Mill is invalid as it did not include any of the data from the M-59 median, nor did it explore exposure pathways associated with the M-59 data.

Rule 299.5719 sets forth additional requirements for certain Type C remedial actions. Rule 719(3) states in part that if a remedial action relies on land-use restrictions or other institutional controls to prohibit exposures which could result in unacceptable risk, such restrictions shall be described in a restrictive covenant that is executed by the property owner and recorded with the register of deeds for the county in which the site is located. It then stipulates a series of provisions that must be satisfied. The institutional controls proposed in EPA's Proposed Plan are limited to land-use restrictions on the Hi-Mill property. The contamination has already migrated off the property, but its full extent is not defined. The Proposed Plan cannot meet the state ARAR for Rule 719(3) unless the EPA can delineate the extent of contamination, demonstrate that institutional controls alone, without remediation of the groundwater, will be protective of human health and the environment, and then successfully acquire institutional controls as stipulated in Rule 719(3) for all properties affected by the contaminated groundwater.

In summary, until the extent of contamination has been defined, no reasonable decision on a remedy can be made. It cannot be shown where the contamination is going, and therefore, cannot be shown that no harm to a surface water body or deeper useable aquifers has not occurred, or will not occur. There is not sufficient data at this time to comply with Act 307. The EPA needs to make these determinations before selecting a remedy for the Hi-Mill site. The MDNR

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will reserve comment on the draft Record of Decision at this time because, as clearly demonstrated by this letter, the EPA has not obtained sufficient information about the extent of contamination to make reasonable decisions about the appropriate action for the Hi-Mill site. Even based on existing data, the remedy in the Proposed Plan does not provide for protection of human health and the environment because it ignores off-site contamination.

Please make these comments a part of the public record for the Hi-Mill site.

Sincerely, -

A handwritten signature in black ink, appearing to read "A. J. Howard", written in a cursive style.

Alan J. Howard, Chief  
Environmental Response Division  
517-335-1104

cc: Mr. James Mayka, EPA  
Ms. Karla Johnson, EPA  
Mr. Russell J. Harding, Deputy Director, MDNR  
Mr. William Bradford, MDNR  
Ms. Deborah Larsen, MDNR  
Mr. Charles Graff, MDNR  
Hi-Mill Manufacturing Company Superfund File